



House of Representatives

File No. 718

General Assembly

February Session, 2016

(Reprint of File No. 56)

Substitute House Bill No. 5228
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2016

**AN ACT CONCERNING THE NOTIFICATION OF DEPARTMENT OF
ADMINISTRATIVE SERVICES PROJECTS, THE DEFINITION OF
"PROJECT" AND REPEALING A PROVISION CONCERNING STATE
AGENCY REPORTING OF CERTAIN CONTRACTOR INFORMATION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (b) of section 4b-24b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2016*):

4 (b) The commissioner may designate projects to be accomplished on
5 a total cost basis for (1) new facilities to provide for the substantial
6 space needs of a requesting agency, (2) the installation of mechanical
7 or electrical equipment systems in existing state facilities, or (3) the
8 demolition of any state facility that the commissioner is authorized to
9 demolish under the general statutes. If the commissioner designates a
10 project as a designated total cost basis project, the commissioner may
11 enter into a single contract with a private developer which may
12 include such project elements as site acquisition, architectural design

13 and construction. The commissioner shall select a private developer
14 from among the developers who are selected and recommended by the
15 award panels established in this subdivision. All contracts for such
16 designated projects shall be based on competitive proposals received
17 by the commissioner, who shall give notice of such project, and
18 specifications for the project, by [advertising, at least once, in a
19 newspaper having a substantial circulation in the area in which such
20 project is to be located] posting notice on the State Contracting Portal.
21 No contract which includes the construction, reconstruction, alteration,
22 remodeling, repair or demolition of any public building for work by
23 the state for which the total cost is estimated to be more than five
24 hundred thousand dollars may be awarded to a person who is not
25 prequalified for the work in accordance with section 4a-100. The
26 commissioner shall determine all other requirements and conditions
27 for such proposals and awards and shall have sole responsibility for all
28 other aspects of such contracts. Such contracts shall state clearly the
29 responsibilities of the developer to deliver a completed and acceptable
30 product on a date certain, the maximum cost of the project and, as a
31 separate item, the cost of site acquisition, if applicable. No such
32 contract may be entered into by the commissioner without the prior
33 approval of the State Properties Review Board and unless funding has
34 been authorized pursuant to the general statutes or a public or special
35 act.

36 Sec. 2. Section 4b-55 of the general statutes is repealed and the
37 following is substituted in lieu thereof (*Effective July 1, 2016*):

38 As used in this section, section 4b-1, as amended by this act, and
39 sections 4b-56 to 4b-59, inclusive, unless the context clearly requires
40 otherwise:

41 [(a)] (1) "Commissioner" means the Commissioner of Administrative
42 Services;

43 [(b)] (2) "Consultant" means [(1)] (A) any architect, professional
44 engineer, landscape architect, land surveyor, accountant, interior

45 designer, environmental professional or construction administrator,
46 who is registered or licensed to practice such person's profession in
47 accordance with the applicable provisions of the general statutes, or
48 [(2)] (B) any planner or financial specialist;

49 [(c)] (3) "Consultant services" [shall include] includes those
50 professional services rendered by architects, professional engineers,
51 landscape architects, land surveyors, accountants, interior designers,
52 environmental professionals, construction administrators, planners or
53 financial specialists, as well as incidental services that members of
54 these professions and those in their employ are authorized to perform;

55 [(d)] "University of Connecticut library project" means a project to
56 renovate and improve the Homer Babbidge Library at The University
57 of Connecticut;

58 [(e)] (4) "Firm" means any individual, partnership, corporation, joint
59 venture, association or other legal entity [(1)] (A) authorized by law to
60 practice the profession of architecture, landscape architecture,
61 engineering, land surveying, accounting, interior design,
62 environmental or construction administration, or [(2)] (B) practicing
63 the profession of planning or financial specialization;

64 [(f)] (5) "Priority higher education facility project" means any project
65 which is part of a state program to repair, renovate, enlarge, equip,
66 purchase or construct [(1)] (A) instructional facilities, [(2)] (B) academic
67 core facilities, including library, research and laboratory facilities, [(3)]
68 (C) student residential or related student dining facilities, or [(4)] (D)
69 utility systems related to such projects, which are or will be operated
70 under the jurisdiction of the board of trustees of any constituent unit of
71 the state system of higher education, except The University of
72 Connecticut provided the project is included in the comprehensive
73 facilities master plan of the constituent unit in the most recent state
74 facility plan of the Office of Policy and Management pursuant to
75 section 4b-23, as amended by this act;

76 [(g)] (6) "Project" means any state program requiring consultant

77 services if the cost of such services is estimated to exceed [three] five
78 hundred thousand dollars;

79 [(h)] (7) "Selection panel" or "panel" means the State Construction
80 Services Selection Panel established pursuant to subsection (a) of
81 section 4b-56 or, in the case of a Connecticut Health and Education
82 Facilities Authority project pursuant to section 10a-186a, means the
83 Connecticut Health and Education Facilities Authority Construction
84 Services Panel established pursuant to subsection (c) of section 4b-56;

85 [(i)] (8) "User agency" means the state department or agency
86 requesting the project or the agency for which such project is being
87 undertaken pursuant to law;

88 [(j)] (9) "Community court project" means [(1)] (A) any project to
89 renovate and improve a facility designated for the community court
90 established pursuant to section 51-181c, and [(2)] (B) the renovation
91 and improvement of other state facilities required for the relocation of
92 any state agency resulting from the placement of the community court;

93 [(k)] (10) "Connecticut Juvenile Training School project" means a
94 project [(1)] (A) to develop on a designated site new facilities for a
95 Connecticut Juvenile Training School in Middletown including, but
96 not limited to, preparing a feasibility study for, designing,
97 constructing, reconstructing, improving or equipping said facility for
98 use by the Department of Children and Families, which is an
99 emergency project because there is an immediate need for completion
100 of said project to remedy overcrowding at Long Lane School; said
101 school shall have an annual average daily population of not more than
102 two hundred forty residents; or [(2)] (B) to develop a separate facility
103 for girls including, but not limited to, acquiring of land or buildings,
104 designing, constructing, reconstructing, improving or equipping said
105 facility for use by the Department of Children and Families;

106 [(l)] (11) "Downtown Hartford higher education center project"
107 means a project to develop a higher education center, as defined in
108 subparagraph (B) of subdivision (2) of section 32-600, and as described

109 in subsection (a) of section 32-612, for the regional community-
110 technical college system;

111 [(m)] (12) "Correctional facility project" means any project [(1)] (A)
112 which is part of a state program to repair, renovate, enlarge or
113 construct facilities which are or will be operated by the Department of
114 Correction, and [(2)] (B) for which there is an immediate need for
115 completion in order to remedy prison and jail overcrowding; and

116 [(n)] (13) "Juvenile detention center project" means any project [(1)]
117 (A) which is part of a state program to repair, renovate, enlarge or
118 construct juvenile detention centers which are or will be operated by
119 the Judicial Department, and [(2)] (B) for which there is an immediate
120 need for completion in order to remedy overcrowding.

121 Sec. 3. Subsection (a) of section 4b-57 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective July*
123 *1, 2016*):

124 (a) Whenever consultant services are required by the commissioner
125 in fulfilling the responsibilities under section 4b-1, as amended by this
126 act, and in the case of each project, the commissioner shall invite
127 responses from such firms by [advertisements inserted at least once in
128 one or more newspapers having a circulation in each county in the
129 state] posting notice on the State Contracting Portal, except that the
130 commissioner may receive consultant services under a contract entered
131 into pursuant to subsection (d) of section 4b-51. The commissioner
132 shall prescribe, by regulations adopted in accordance with chapter 54,
133 the advance notice required for, the manner of submission, and
134 conditions and requirements of, such responses.

135 Sec. 4. Section 4b-1 of the general statutes is repealed and the
136 following is substituted in lieu thereof (*Effective July 1, 2016*):

137 The Commissioner of Administrative Services shall (1) be
138 responsible for the administrative functions of construction and
139 planning of all capital improvements undertaken by the state, except

140 (A) highway and bridge construction, the construction and planning of
141 capital improvements related to mass transit, marine and aviation
142 transportation, (B) the Connecticut Marketing Authority, (C) planning
143 and construction of capital improvements to the State Capitol building
144 or the Legislative Office Building and related facilities by the Joint
145 Committee on Legislative Management, (D) any project as defined in
146 subdivision (16) of section 10a-109c, undertaken by The University of
147 Connecticut, and (E) construction and planning of capital
148 improvements related to the Judicial Department if such construction
149 and planning do not constitute a project within the meaning of
150 [subsection (g)] subdivision (6) of section 4b-55, as amended by this
151 act, including the preparation of preliminary plans, estimates of cost,
152 development of designs, working plans and specifications, award of
153 contracts and supervision and inspection. For the purposes of this
154 subparagraph (E), the term "Judicial Department" does not include the
155 courts of probate, the Division of Criminal Justice and the Public
156 Defender Services Commission, except where such agencies share
157 facilities in state-maintained courts; (2) select consultant firms in
158 accordance with the provisions of sections 4b-56 to 4b-59, inclusive, to
159 assist in the development of plans and specifications when in the
160 commissioner's judgment such assistance is desirable; (3) render
161 technical advice and service to all state agencies in the preparation and
162 correlation of plans for necessary improvement of their physical
163 plants; and (4) cooperate with those charged with fiscal programming
164 and budget formulation in the development of a capital program and a
165 capital budget for the state.

166 Sec. 5. Subsection (i) of section 4b-23 of the general statutes is
167 repealed and the following is substituted in lieu thereof (*Effective July*
168 *1, 2016*):

169 (i) As used in this subsection, (1) "project" means any state program,
170 except the downtown Hartford higher education center project, as
171 defined in [subsection (l) of] section 4b-55, as amended by this act,
172 requiring consultant services if the cost of such services is estimated to
173 exceed one hundred thousand dollars or, in the case of a constituent

174 unit of the state system of higher education, the cost of such services is
175 estimated to exceed three hundred thousand dollars, or in the case of a
176 building or premises under the supervision of the Office of the Chief
177 Court Administrator or property where the Judicial Department is the
178 primary occupant, the cost of such services is estimated to exceed three
179 hundred thousand dollars; (2) "consultant" means "consultant" as
180 defined in section 4b-55, as amended by this act; and (3) "consultant
181 services" means "consultant services" as defined in section 4b-55, as
182 amended by this act. Any contracts entered into by the Commissioner
183 of Administrative Services with any consultants for employment (A)
184 for any project under the provisions of this section, (B) in connection
185 with a list established under subsection (d) of section 4b-51, or (C) by
186 task letter issued by the Commissioner of Administrative Services to
187 any consultant on such list pursuant to which the consultant will
188 provide services valued in excess of one hundred thousand dollars,
189 shall be subject to the approval of the Properties Review Board prior to
190 the employment of such consultant or consultants by the
191 commissioner. The Properties Review Board shall, not later than thirty
192 days after receipt of such selection of or contract with any consultant,
193 approve or disapprove the selection of or contract with any consultant
194 made by the Commissioner of Administrative Services pursuant to
195 sections 4b-1, as amended by this act, and 4b-55 to 4b-59, inclusive, as
196 amended by this act. If upon the expiration of the thirty-day period a
197 decision has not been made, the Properties Review Board shall be
198 deemed to have approved such selection or contract.

199 Sec. 6. Section 4b-55a of the general statutes is repealed and the
200 following is substituted in lieu thereof (*Effective July 1, 2016*):

201 Notwithstanding any [provisions] provision of this chapter, [to the
202 contrary,] the Commissioner of Administrative Services may select and
203 interview at least three responsible and qualified environmental
204 professionals, and may negotiate with any one of such professionals a
205 contract which is both fair and reasonable to the state in order to
206 conduct the evaluations required by section 22a-1b for a priority
207 higher education facility project, as defined in [subsection (f) of]

208 section 4b-55, as amended by this act.

209 Sec. 7. Subdivision (1) of subsection (a) of section 4b-91 of the
210 general statutes is repealed and the following is substituted in lieu
211 thereof (*Effective July 1, 2016*):

212 (a) (1) As used in this section, "prequalification classification" means
213 the prequalification classifications established by the Commissioner of
214 Administrative Services pursuant to section 4a-100, "public agency"
215 has the same meaning as provided in section 1-200, [and] "awarding
216 authority" means the Department of Administrative Services, except
217 "awarding authority" means (A) the Joint Committee on Legislative
218 Management, in the case of a contract for the construction of or work
219 on a building or other public work under the supervision and control
220 of the joint committee, or (B) the constituent unit of the state system of
221 higher education, in the case of a contract for the construction of or
222 work on a building or other public work under the supervision and
223 control of such constituent unit and "community court project",
224 "downtown Hartford higher education center project", "correctional
225 facility project", "juvenile detention center project" and "priority higher
226 education facility project" have the same meanings as provided in
227 section 4b-55, as amended by this act.

228 Sec. 8. Subdivision (3) of subsection (a) of section 4b-91 of the
229 general statutes is repealed and the following is substituted in lieu
230 thereof (*Effective July 1, 2016*):

231 (3) The requirements set forth in subdivision (2) of this subsection
232 shall not apply to (A) a public highway or bridge project or any other
233 construction project administered by the Department of
234 Transportation, or (B) a contract awarded by the Commissioner of
235 Administrative Services for (i) any public building or other public
236 works project administered by the Department of Administrative
237 Services that is estimated to cost one million five hundred thousand
238 dollars or less, (ii) a community court project, [as defined in subsection
239 (j) of section 4b-55,] (iii) the downtown Hartford higher education

240 center project, [as defined in subsection (l) of section 4b-55,] (iv) a
241 correctional facility project, [as defined in subsection (m) of section 4b-
242 55,] (v) a juvenile detention center project, [as defined in subsection (n)
243 of section 4b-55,] or (vi) a student residential facility for the
244 Connecticut State University System that is a priority higher education
245 facility project. [, as defined in subsection (f) of section 4b-55.]

246 Sec. 9. Subsection (g) of section 4b-91 of the general statutes is
247 repealed and the following is substituted in lieu thereof (*Effective July*
248 *1, 2016*):

249 (g) Notwithstanding the provisions of this chapter regarding
250 competitive bidding procedures, the commissioner may select and
251 interview at least three responsible and qualified general contractors
252 who are prequalified pursuant to section 4a-100 and submit the three
253 selected contractors to the construction services award panels process
254 described in section 4b-100a and any regulation adopted by the
255 commissioner. The commissioner may negotiate with the successful
256 bidder a contract which is both fair and reasonable to the state for a
257 community court project, [as defined in subsection (j) of section 4b-55,]
258 the downtown Hartford higher education center project, [as defined in
259 subsection (l) of section 4b-55,] a correctional facility project, [as
260 defined in subsection (m) of section 4b-55,] a juvenile detention center
261 project, [as defined in subsection (n) of section 4b-55,] or a student
262 residential facility for the Connecticut State University System that is a
263 priority higher education facility project. [, as defined in subsection (f)
264 of section 4b-55.] The Commissioner of Administrative Services, prior
265 to entering any such contract or performing any work on such project,
266 shall submit such contract to the State Properties Review Board for
267 review and approval or disapproval by the board, pursuant to
268 subsection (i) of this section. Any general contractor awarded a
269 contract pursuant to this subsection shall be subject to the same
270 requirements concerning the furnishing of bonds as a contractor
271 awarded a contract pursuant to subsection (b) of this section.

272 Sec. 10. Subsection (j) of section 4b-91 of the general statutes is

273 repealed and the following is substituted in lieu thereof (*Effective July*
274 *1, 2016*):

275 (j) No person whose subcontract exceeds five hundred thousand
276 dollars in value may perform work as a subcontractor on a project for
277 the construction, reconstruction, alteration, remodeling, repair or
278 demolition of any public building or any other public work by the state
279 or a municipality, except a public highway or bridge project or any
280 other construction project administered by the Department of
281 Transportation, which project is estimated to cost more than five
282 hundred thousand dollars and is paid for, in whole or in part, with
283 state funds, unless, at the time of the bid submission, the person is
284 prequalified in accordance with section 4a-100. The provisions of this
285 subsection shall not apply to the downtown Hartford higher education
286 center project, [as defined in subsection (l) of section 4b-55.]

287 Sec. 11. Section 17a-27b of the general statutes is repealed and the
288 following is substituted in lieu thereof (*Effective July 1, 2016*):

289 Notwithstanding any provision of the general statutes or
290 regulations adopted thereunder or any public or special act, the
291 Connecticut Juvenile Training School project, as defined in [subsection
292 (k) of] section 4b-55, as amended by this act, shall be exempt from the
293 provisions of subsections (b) to (i), inclusive, of section 4b-21, sections
294 4b-23, 4b-28, 14-311, 16a-31, 16a-38, 22-6, 22a-6, 22a-12, 22a-14 to 22a-
295 20, inclusive, 22a-39, 25-32 and 29-406 and chapter 54.

296 Sec. 12. Section 17a-27d of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective July 1, 2016*):

298 The Commissioner of Administrative Services may negotiate a sole
299 source contract for the architectural services and design for the
300 Connecticut Juvenile Training School project, as defined in [subsection
301 (k) of] section 4b-55, as amended by this act.

302 Sec. 13. Subsections (b) and (c) of section 22a-1f of the general
303 statutes are repealed and the following is substituted in lieu thereof

304 (Effective July 1, 2016):

305 (b) Environmental impact evaluations shall not be required for the
 306 Connecticut Juvenile Training School project, as defined in [subsection
 307 (k) of] section 4b-55, as amended by this act, and the extension of such
 308 project otherwise known as the Connecticut River Interceptor Sewer
 309 Project, or a project, as defined in subdivision (16) of section 10a-109c,
 310 which involves the conversion of an existing structure for educational
 311 rather than office or commercial use.

312 (c) A constituent unit of the state system of higher education may
 313 provide for environmental impact evaluations for any priority higher
 314 education facility project, as defined in [subsection (f) of] section 4b-55,
 315 as amended by this act, or for any higher education project involving
 316 an expenditure of not more than two million dollars, by (1) reviewing
 317 and filing the evaluation for such project with the Office of Policy and
 318 Management for its review pursuant to section 22a-1e, or (2) including
 319 such project in a cumulative environmental impact evaluation
 320 approved by the Office of Policy and Management.

321 Sec. 14. Section 4a-80 of the general statutes is repealed. (Effective
 322 July 1, 2016)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	4b-24b(b)
Sec. 2	July 1, 2016	4b-55
Sec. 3	July 1, 2016	4b-57(a)
Sec. 4	July 1, 2016	4b-1
Sec. 5	July 1, 2016	4b-23(i)
Sec. 6	July 1, 2016	4b-55a
Sec. 7	July 1, 2016	4b-91(a)(1)
Sec. 8	July 1, 2016	4b-91(a)(3)
Sec. 9	July 1, 2016	4b-91(g)
Sec. 10	July 1, 2016	4b-91(j)
Sec. 11	July 1, 2016	17a-27b
Sec. 12	July 1, 2016	17a-27d

Sec. 13	<i>July 1, 2016</i>	22a-1f(b) and (c)
Sec. 14	<i>July 1, 2016</i>	Repealer section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Dept. of Administrative Services	GF - Savings	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill eliminates the requirements that the Department of Administrative Services (DAS) place newspaper advertisements for bidding opportunities for certain public works projects and consultant services. It requires that these advertisements be posted on the DAS State Contracting Portal. This will result in a minimal savings as DAS has expended an average of \$7,000 in the last three fiscal years advertising these construction contract opportunities.

The bill also revises the definition of a construction project by increasing the threshold from \$300,000 to \$500,000 by which a selection panel process is necessary. The increased threshold would result in approximately 10 projects not being subject to the selection panel. This is not anticipated to result in a fiscal impact.

The bill also repeals section 4a-80 of the general statutes with regards to social security or employer identification numbers on state contracts and will not result in a fiscal impact.

House "A" repeals section 4a-80 of the general statutes and will not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5228 (as amended by House "A")******AN ACT CONCERNING THE NOTIFICATION OF DEPARTMENT OF ADMINISTRATIVE SERVICE PROJECTS AND THE DEFINITION OF "PROJECT".*****SUMMARY:**

This bill eliminates requirements that the Department of Administrative Services (DAS) advertise, in a newspaper, bidding opportunities for (1) public works projects that use the design-build delivery method and (2) consultant services (e.g., architectural services, professional engineers, and accountants). Under existing law and the bill, it must advertise these opportunities on the State Contracting Portal website (§§ 1 & 3).

The bill also increases, from \$300,000 to \$500,000, the threshold at which DAS must use the selection panel process to award consultant services contracts (§ 2). By law, DAS must establish a selection panel to evaluate consultant services proposals if the cost of those services exceeds the threshold. The panel must submit a list of the most qualified firms to the DAS commissioner, who must negotiate a contract with the firm ranked most qualified by the panel. Panels consist of three members for projects of less than \$5 million and five members for projects of \$5 million or more (CGS §§ 4b-56 to 4b-58).

The bill eliminates a requirement that each public agency that purchases goods or services or leases real or personal property provide, annually by August 1, the revenue services commissioner with a list of all persons who provided goods or services or leased real or personal property to the agency. It also eliminates a requirement that the agency collect the contractor's federal Social Security account number or federal employee identification number, or both, if

available, or the reasons why they are unavailable (§ 501).

Lastly, the bill repeals obsolete language concerning UConn's Homer Babbidge Library and makes technical changes (§§ 2 & 4-13).

*House Amendment "A" repeals the reporting requirements associated with goods, services, and leases.

EFFECTIVE DATE: July 1, 2016

BACKGROUND

Related Bill

sHB 5247 (File 60), reported favorably by the Government Administration and Elections and Judiciary committees, requires agencies to include in the list provided to the revenue services commissioner all persons paid by a third-party administrator on behalf of the agency using state funds to purchase goods and services (§ 13).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 0 (02/29/2016)